IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

MONDAY, THE 5TH FEBRUARY 2007 / 16TH MAGHA 1928

Crl.Rev.Pet.No. 505 of 2007(E)

CRA.392/2001 of ADDL. SESSIONS COURT (ADHOC)-II, ALAPPUZHA
CC.193/1996 of JUDL.MAGISTRATE OF FIRST CLASS-I, CHERTHALA

REVN. PETITIONER - APPELLANT - ACCUSED:

SIVAN PILLAI, AGED 64 YEARS,
S/O. PARAMESWARAN PILLAI,
GANGA NIVAS, POOPANI ROAD,
PERUMBAVOOR P.O., ERNAKULAM

BY ADV. SRI.K.SUNILKUMAR

RESPONDENTS - RESPONDENTS - COMPLAINANT - STATE:

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1. P.M. PARUKUTTY, POOTHAKULATH VELIYIL HOUSE,
WARD NO.16, CHERTHALA.

2. STATE OF KERALA, REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY ADV. SRI.N.K.SOMASEKHARAN PILLAI
BY PUBLIC PROSECUTOR SHRI KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 05/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. PADMANABHAN NAIR, J.

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CRL. R.P. NO. 505 OF 2007

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Dated this the 5th day of February, 2007

O R D E R

Heard. Admitted. Advocate Shri N.K. Somasekharan Pillai took notice for first respondent and Public Prosecutor for second respondent. Criminal Revision Petition itself is heard and disposed of as agreed to by counsel on both sides.

2. Revision petitioner was found guilty of an offence punishable under Section 138 of the Negotiable Instruments Act in C.C. No. 193 of 1996 on the file of the Judicial First Class Magistrate, No.I, Cherthala. Conviction and sentence were confirmed by the learned Sessions Judge in Crl. Appeal No. 392 of 2001. Hence this Criminal Revision Petition.

3. It is submitted by counsel on both sides that matter has been settled out of court. Parties have filed Crl. M.A. No.1476 of 2007 for compounding the offence. Today I have allowed that application. Hence this Criminal Revision Petition is only to be allowed.

In the result, Criminal Revision Petition is allowed.

Conviction and sentence imposed on the revision petitioner under Section 138 of the Negotiable Instruments Act are hereby set aside. Revision Petitioner is acquitted under Section 320(8) of the Code of Criminal Procedure.

K. PADMANABHAN NAIR, JUDGE.

vsv

K. PADMANABHAN NAIR, J.

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CRL. R.P. NO.505 OF 2007

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O R D E R

5TH FEBRUARY, 2007

Issue copy today itself

B/o.

P.A. to Judge